

Application No.: 10/072,233

REMARKS/ARGUMENTS

The courtesy of afforded attorney for applicant during the telephone interview of April 30, 2003 was greatly appreciated. This interview was preceded by fax of April 28, 2003, discussing the prior art cited and the rejection of claims 1-7.

During this interview, the British patent to Weiss issued in 1901 was considered by the Examiner as the most pertinent reference and a suggestion was made that this be tested and the results compared with the subject invention. The inventor advises that without the bottom wall and with the grooves and the jacket the bullet of Weiss cannot be tested and affectively compared with the subject invention. When powder burns very high temperature and very high pressure gases are produced. The bottom wall of the jacket creates a gas check so the gases don't escape. Without a bottom wall in the jacket the high temperature gases would deform the base of the core which would unbalance the projectile and let the gases escape thereby greatly effecting the balance velocity and performance on impact. Accordingly, there would be no practical way to compare the performances of Weiss with the performance of the subject invention.

As discussed during the interview in accordance with the present invention there is provided a bullet with a jacket of substantially uniform thickness without grooves with a cylindrical body and an enclosed base transverse to the cylindrical body. The core is seated by hydraulic pressure into the jacket against the base with no air therebetween (page 7, lines 4 and 5) and the core is deformed outwardly to contact the inside of the cylindrical body (page 7, lines 8 to 10) to provide a uniform solid cylinder with no voids having a balanced selected precise mass. Hydraulic pressure provides a cold flow and a balanced selected precise mass not provided by the punch press.

Independent claims 1 and 7 have been amended to include definitions further defining the

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core, seating of the core in the jacket and lack of voids as above discussed. Claims 1 and 7 have been amended to replace the term low shear modulus with the specific range set forth in dependent claim 3 to avoid the formal rejection. Claim 3 has been cancelled.

Dependent claims 2, 4, 5, & 6 are believed allowable as further definitions of an allowable generic claim 1.

The primary reference of Weiss issued in 1901, has a jacket with grooves and no bottom. There is no teaching of swaging the core in the jacket so the definitions above discussed pertaining to the core, seating of core in jacket and lack of voids is not present in Weiss.

The secondary reference of Briese and Hallis do not provide the deficiencies in Weiss. Briese lacks the continuous strands but rather discloses a kink in the strands as noted in the previously furnished comparison chart. Hallis lacks the material of low shear modulus, also discloses a kink in the strands and does not teach swaging the core into the jacket.

The Weiss 1901 bullet clearly traveled at extremely low velocities as compared to the velocities of the secondary references and the subject application. There does not appear to be a practical way to combine the teaching of the secondary references 100 years later to come up with applicant's invention. To eliminate the grooves in the jacket of Weiss with a secondary reference is teaching away from what Weiss considered as necessary for an operable bullet having a jacket with an open bottom.

Further, the combination of either of the secondary references with Weiss is improper since there is no suggestion or motivation taught in the secondary reference to modify the primary reference or to combine the references as in required by MPEP 2143.

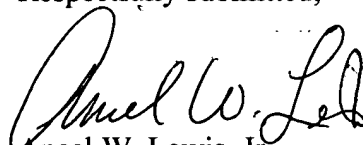
Reconsideration of allowance of claims 1, 2 and 4-7, is respectfully requested in view of

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the interview, the amendments to the claims and the foregoing remarks.

Should any issues remain which would preclude prompt allowance of this application, it is requested that the Examiner contact the undersigned attorney by telephone.

Respectfully submitted,



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